UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/632
10 July 1998

ORIGINAL: ENGLISH

LETTER DATED 10 JULY 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a copy of the draft agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on the permanent settlement of the disputed issue of Prevlaka, with an explanatory note (see annexes).

I would appreciate if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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Annex I

DRAFT AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF YUGOSLAVIA AND THE REPUBLIC OF CROATIA ON THE PERMANENT SETTLEMENT OF THE DISPUTED ISSUE OF PREVLAKA

The Federal Republic of Yugoslavia and the Republic of Croatia (hereinafter: "Contracting Parties");

Committed to the respect and implementation of the Charter of the United Nations, the principles of good-neighbourly relations, peaceful settlement of disputes and general rules of international law;

Proceeding from the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, signed in Belgrade on 23 August 1996;

Convinced that the achievement of a just and mutually acceptable solution of the disputed issue of Prevlaka will contribute to the promotion of overall Yugoslav-Croatian relations, stability and economic development of the region;

Have agreed as follows:

Article 1

Under the provisions of Articles 2 and 4 of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, the Contracting Parties shall effect delimitation on land and at sea in the disputed area of the Prevlaka peninsula, in accordance with the general rules of international law on delimitation, proceeding in particular from the effective exercise of jurisdiction of the Contracting Parties on land and at sea, as well as with the principles of equality and good-neighbourly relations.

In order to comply with the commitments referred to in the first paragraph above, a Joint Yugoslav-Croatian Commission shall be established.

Article 2

Aiming to strengthen mutual confidence and good neighbourly relations, the Contracting Parties are agreed that the Prevlaka area will be used solely for peaceful purposes.

The Contracting Parties shall regulate this matter, including the possibility of permanent demilitarization, through specific arrangements in accordance with international law.

Article 3

In order to implement the principles of good-neighbourly relations and promote economic and tourist cooperation, the Contracting Parties are agreed to establish a permanent border-crossing point for international road transport along the Herceg Novi-Sutorina-Dubrovnik motorway, to be regulated by an amendment to the Agreement between the Federal Government of the Federal Republic of Yugoslavia and the Government of the Republic of Croatia on establishing border-crossing points.

Article 4

The Contracting Parties are agreed that a border traffic regime be established for specific counties (opstinas) from the territory of the Federal Republic of Yugoslavia/the Republic of Montenegro and from the territory of the Republic of Croatia, to be regulated by an amendment to the Agreement between the Federal Government of the Federal Republic of Yugoslavia and the Government of the Republic of Croatia on border traffic.

Article 5

This Agreement is done in two original copies, in the Serbian and Croatian languages, both of which are equally authentic.

This Agreement shall be applied from the date of its signature and it shall enter into force after the Contracting Parties have notified each other through diplomatic channels that it has been approved by their respective authorities.

Done in _____on the _____ day of _____

FOR THE FEDERAL REPUBLIC
OF YUGOSLAVIA

FOR THE REPUBLIC
OF CROATIA

Annex II

EXPLANATORY NOTE

The Government of the Federal Republic of Yugoslavia has prepared the attached text of the draft agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on permanent settlement of the disputed issue of Prevlaka, which was delivered to the Ambassador of the Republic of Croatia in Belgrade on 10 July 1998.

The draft agreement is an expression of a consistent policy of the Government of the Federal Republic of Yugoslavia to promote overall Yugoslav-Croatian relations, stability and economic development in the region, while respecting and implementing the Charter of the United Nations, the principles of good-neighbourly relations, peaceful settlement of disputes and general rules of international law. The draft agreement is fully in accordance with the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 23 August 1996 and it reaffirms, at the same time, the constructive and cooperative attitude of the Government of the Federal Republic of Yugoslavia towards Security Council resolutions concerning Prevlaka, including resolution 1147 (1998) of 13 January 1998, urging the two parties to take concrete steps towards a negotiated resolution of the disputed issue of Prevlaka in good faith and without delay.

From the very beginning the Federal Republic of Yugoslavia has made great efforts to resolve the disputed issue of Prevlaka by peaceful means. This has been proved, among other things, by the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Federal Republic of Yugoslavia and the Republic of Croatia, in which the Prevlaka area was demilitarized and placed under United Nations control, as well as by many letters and other documents on the subject from the Government of the Federal Republic of Yugoslavia to the Security Council. The positions of the Federal Republic of Yugoslavia on the issue of Prevlaka have been explained in detail in the aide-mémoire of the Federal Government of Yugoslavia of October 1996 (A/51/563*-S/1996/884*).

Along the lines of these efforts, in pursuance of the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, the draft agreement on permanent settlement of the disputed issue of Prevlaka provides that the Contracting Parties shall effect delimitation, under Articles 2 and 4 of the Agreement on Normalization of Relations, on land and at sea in the disputed area of the Prevlaka peninsula, in accordance with the general rules of international law on delimitation, proceeding in particular from the effective exercise of jurisdiction of the Contracting Parties on land and at sea, and from the principles of equality and good-neighbourly relations. Towards that end, a Joint Yugoslav-Croatian Commission shall be established.

Expressing its readiness immediately to start negotiations with the Croatian side, the Government of the Federal Republic of Yugoslavia considers that the proposed draft agreement constitutes a solid basis for a permanent settlement of the disputed issue of Prevlaka, in which both parties are

interested. Resolution of this issue will make significant contribution to the implementation of the Agreement on Normalization of Relations between the two countries, the relevant Security Council resolutions and towards the promotion of good-neighbourly relations and cooperation in the region.